THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.22673 OF 1998

DATED: 09-03-2007

Between :

1. Syed Muneer Basha and another ... Petitioners

And

1. Kavali Mustapuram Gram Panchayat, rep. by Its Sarpanch, Kaligiri Mandal, Nellore District., and another.

.. Respondents

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WRIT PETITION NO.22673 OF 1998

ORDER :

The petitioners claim to be the sons of Syed Sultan Saheb who was an Ex-service man. It is stated that the father of the petitioners occupied 20 cents of land situated in Sy.No.81/2 of Kavalimustapuram Village which is a Government land and constructed a house wherein the petitioners have also been staying. Since the said land has been in their occupation for the past several years without any objection from any quarter, they made several representations requesting the 2nd respondent to assign the said property in their favour. The 3rd respondent who is the Sarpanch of Gram Panchayat had recommended for assignment by his letter dated 9-4-1997, and the 2nd respondent had also issued possession certificates in favour of the petitioners. However, no assignment was granted, but in the meanwhile since there was threat of dispossession and since the petitioners were apprehending that the land in question may be assigned to some third parties, this writ petition was filed in the month of August, 1998.

This Court while directing Rule Nisi, by order dated 2-12-1998 in W.P.M.P.No.27267 of 1998 granted interim stay of dispossession of the petitioners. The said order continued to be in operation throughout and none of the respondents have filed counter-affidavit so far.

Having regard to the uncontradicted averments in the writ petition which shall be taken to have been admitted in the absence of any

counter-affidavit, I deem it appropriate to dispose of the Writ Petition with a direction to the respondents 1 and 2 to consider the request of the petitioners for grant of assignment in respect of the land in their possession and pass appropriate orders in accordance with law. Till such time, the petitioners shall not be dispossessed form the land in their occupation. No costs.

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G. ROHINI, J.

Dt. 09-03-2007

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